IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9203 of 1993

Between:

Sri Bharmaramba Chenna Mallikharjuna Swamy Vari Remple, Thotlavallur, Krishna Disrict, represetned by the Hereditory
Managing Trustee Sri S.Chandradekhara Sastry, S/o.Late Veerabhadrayya, R/o.Machilipatnam, Krishna district.

..... PETITIONER

AND

1. Government of Andhra pradesh,
represented by its Secretary for Revenue
(Endowments) Department, Secretariat Buildings,
Hyderbad.
2. The Commissioner of Endowments, Tilak Road, Hyderbad.
3. Deputy Commissioner of Endowments, Kakinada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate Writ, order or direction, declaring G.O.M.s.No.433,Revenue (Endowments-I) Department Dated 05-5-1993 as ultravires of the Powers of the Government, arbitrary and abuse of the power of the Government, if any , and issue a consequential direction not to enforce the same.

Counsel for the Petitioner: Mr. T. S. ANAND

Counsel for the Respondents: G.P FOR ENDOWMENTS

The Court Made the Following :

ORDER: -

Heard both sides.

The petitioner, which is a temple seeks to assail the orders in G.O.Ms.No.433 Revenue(Endowments-I) Department dated 5-5-1983 as illegal. Several contentions have been raised including the one that having regard to the income/ nature of the petitioner Temple, the question of appointing the Executive Officer does not arise. This Court earlier on 07.07.1993 granted interim direction in WPMP.No.11641 of 1993 in WP No.9203 of 1993 directing the respondents not to appoint Executive Officer to the petitioner Temple in pursuance of the G.O. in question and the same is subsisting. Having regard to the facts of the case, and in the interests of justice, without going into merits of the case, it is suffice to direct the petitioner to file a petition before the respondents herein within a period of four weeks from to day and on receipt of the same, the respondents shall consider and dispose of the same after giving notice and opportunity to the petitioner.

It is needless to mention that till disposal of such an application filed by the petitioner, no action for appointment of Executive officer for the petitioner Temple shall be made.

The writ petition is disposed of accordingly. No costs.

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2nd July 2004

BJ/Glv

To

1. The Secretary for Revenue (Endowments) Department,
Government of Andhra pradesh,
Secretariat Buildings,
Hyderabad.
2. The Commissioner of Endowments, Tilak Road, Hyderbad.
3. The Deputy Commissioner of Endowments, Kakinada.

4. Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, Hyderabad. (O.U.T)

5. Two C.D. copies.